

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RECEIVED
MAY 15 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Numbering Resource Optimization) CC Docket No. 99-200
)

PETITION FOR WAIVER OF IOWA TELECOM

Iowa Telecommunications Services, Inc. ("Iowa Telecom"), by its attorneys and pursuant to section 1.3 of the Federal Communications Commission's ("FCC") rules,¹ respectfully submits its petition for waiver of the Commission's new requirement for carriers to maintain their telephone numbering resource records by sub-categories, as directed in the *Numbering R&O*.² In addition, Iowa Telecom respectfully requests that the FCC grant Iowa Telecom a further waiver of any other numbering resource administration rule or requirement that the FCC grants to any other rural telephone company.

For the reasons explained below, Iowa Telecom fully satisfies the good cause standard established by *WAIT Radio v. FCC*,³ for the Commission's grant of a waiver.

Iowa Telecom is a newly formed telecommunications company that will soon acquire the entire operations of GTE of the Midwest, Inc. ("GTE") within the state of Iowa. Upon receipt of all necessary regulatory approvals and after closing the transaction with GTE, Iowa Telecom will

¹ 47 C.F.R. §1.3.

² *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, FCC 00-104 (rel. March 31, 2000) ("*Numbering R&O*").

³ 418 F.2d 1153, 1159 (D.C. Cir. 1969).

No. of Copies rec'd
List ABCDE

014

provide telecommunications services to customers served by approximately 286,000 access lines spread throughout Iowa, in 296 individual exchanges. Iowa Telecom's operations will be very rural in nature. It will serve only two cities with populations that exceed 10,000: Newton (15,371) and Fairfield (10,332), based on the U.S. Bureau of the Census' July 1, 1998 population estimates. Therefore, pursuant to Section 3(37)(D) of the Communications Act of 1934, as amended ("Act"),⁴ Iowa Telecom will qualify for rural telephone company status.

Rural telephone companies will not be required to comply with the full panoply of rules and requirements for the administration of telephone numbers that were recently adopted by the FCC. For example, a rural telephone company will not be required to report its telephone number utilization data at the central office code (NXX) level, per rate center, under new section 52.15(f)(5)(ii) of the FCC's rules.⁵ The FCC wisely decided that rural telephone companies, which do not provide number portability, need not expend the resources that would be necessary to report telephone number usage by thousands block.

The logic of the FCC's reasoning should be carried forward to the Commission's new requirement for carriers to maintain their telephone numbering resource records by eight sub-categories. These sub-categories are: (1) soft dialtone numbers; (2) ported-out numbers; (3) dealer number pools; (4) test numbers; (5) employee/official numbers; (6) Local Routing Numbers; (7) Temporary Local Directory Numbers; and (8) wireless E911 emergency services routing digits/key (ESRD/ESRK) numbers.⁶

While Iowa Telecom does not yet have access to GTE's telephone number records for Iowa, Iowa Telecom can still make some reasonable assumptions about such records. It is

⁴ 47 U.S.C. §153(37)(D).

⁵ To be codified as 47 C.F.R. §52.15(f)(5)(ii).

⁶ *Numbering R&O* at ¶62, n.104.

unlikely, for example, that GTE has any telephone numbers in “dealer number pools.” Therefore, it would be unreasonable for Iowa Telecom to be required to keep records of non-existent telephone numbers for sub-categories that are designed for urban and metropolitan markets.

Moreover, the application of this new record-keeping requirement to Iowa Telecom would be unduly burdensome and would provide neither the North American Numbering Plan administrator (“NANPA”) nor the FCC with any significantly useful information. According to information posted on GTE’s Internet web site,⁷ the overwhelming majority of its Iowa exchanges deploy but a single NXX code. Iowa Telecom submits that maintaining records for the number of “soft dialtone numbers,” or “test codes,” if any, for What Cheer, Iowa (with an estimated July 1, 1998 population of 706)⁸ is simply an unnecessary and relatively expensive task that would not provide any useful information for anyone. Therefore, application of the requirement for Iowa Telecom to expend substantial resources for compliance is contrary to the public interest. Under the *WAIT Radio* standard, a waiver grant is appropriate.

The situation can best be described by Commissioner Ness’ separate statement in the *Number R&O*:

I also support collecting information on number utilization from carriers so that we can ensure that numbers are being used efficiently. Nevertheless, we must recognize that reporting requirements impose a burden, especially on small, rural carriers. These carriers generally use few numbering resources, rarely seek additional numbering resources, and therefore, are not a significant cause of number exhaust problems. I am pleased that today’s order recognizes the disproportionate burden of reporting requirements on small carriers by imposing fewer requirements on them. I would have preferred to exempt, from more detailed reporting, rural carriers that generally operate in areas where demand for

⁷ <http://acgweb.bdi.gte.com/common/html/reports/rrpt1_ce.html>, visited May 2, 2000.

⁸ U.S. Bureau of the Census.

numbers is not as great. As just one example, I would not have required rural carriers to maintain internal records of numerous subcategories of number usage. To the extent carriers consider that any of the requirements in this order impose an undue burden, I would encourage these carriers, or associations of these carriers, to seek a joint waiver.⁹

Iowa Telecom agrees with this statement and respectfully requests, herein, a waiver of the FCC's new telephone number record-keeping requirement.

In addition, Iowa Telecom requests that the FCC extend to Iowa Telecom any other waiver of the rules or requirements adopted in the *Numbering R&O* that the Commission grants to any other rural telephone company. The FCC has often granted blanket waivers of its rules to all carriers that can satisfy appropriate conditions, on the grounds that the grant of such blanket waivers serve the public interest by permitting the Commission to avoid the expenditure of resources on nearly identical requests by many carriers.¹⁰ Iowa Telecom's request herein is appropriate since it is seeking to be covered by only those waivers that are granted to other rural telephone companies. Therefore, Iowa Telecom's immediate request can easily be distinguished from other requests for unconditional blanket waivers that could effectively undermine the FCC's rules themselves.¹¹

⁹ *Numbering R&O*, at 142, Separate Statement of Commissioner Ness. See also, *id.*, at 143, Separate Statement of Commissioner Furtchgott-Roth.

¹⁰ See, e.g., *Ameritech Operating Companies Petition for Waiver of Section 69.4(b) of the Commission's Rules*, Memorandum Opinion and Order, 6 FCC Rcd 1541 (1991).

¹¹ See, e.g., *Ameritech Operating Companies Petition for Waiver of Sections 69.4(b) and 69.106 of the Commission's Rules*, Order, 9 FCC Rcd 7873 at ¶31 (1994).

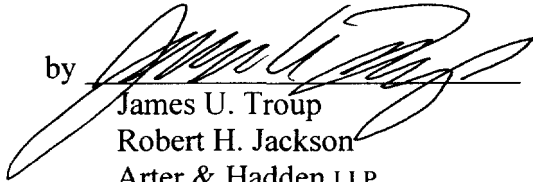
Conclusion

For the reasons set forth above, Iowa Telecom requests that the FCC grant it a waiver of the Commission's new requirement for carriers to maintain their telephone numbering resource records by sub-categories and that the FCC also extend to Iowa Telecom any other waiver of the rules or requirements adopted in the *Numbering R&O* that the Commission grants to any other rural telephone company.

Respectfully submitted,

IOWA TELECOMMUNICATIONS
SERVICES, INC.

by



James U. Troup
Robert H. Jackson
Arter & Hadden LLP
1801 K Street, N.W., Suite 400K
Washington, D.C. 20006-1301
Phone: 202-775-7100
Fax: 202-857-0172

Its attorneys

Date: May 15, 2000